

MASSACHUSETTS
40 main st, suite 301
florence, ma 01062
tel 413.585.1533
fax 413.585.8904

WASHINGTON
1025 connecticut ave. nw, suite 1110
washington, dc 20036
tel 202.265.1490
fax 202.265.1489



January 23, 2013

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Via Electronic Filing

Re: MB Docket No. 09-182, 2010 Quadrennial Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996; MB Docket No. 07-294, Promoting Diversification of Ownership in the Broadcasting Services

Dear Ms. Dortch:

On January 18, 2013, I spoke by telephone with Alex Hoehn-Saric, Policy Director for Commissioner Rosenworcel, regarding matters in the above-captioned dockets. I reiterated during the call our longstanding view that, before the Commission makes any changes to its cross-ownership rules, it must adequately analyze the impact of such changes on broadcast ownership opportunities for women and people of color. If the Commission were to relax those rules before conducting and completing a proper analysis of the likely effects, it would violate the Third Circuit’s directives on this issue in the *Prometheus II* decision.

As we have indicated repeatedly, the Commission must not allow more consolidation if it hopes to prevent further decreases in diversity. Allocating funds now for future research of these questions cannot possibly satisfy the mandates of *Prometheus II*. That case required the Commission not just to tabulate ownership data, but to fully and fairly analyze the statistics as well as the role that structural ownership rules play in shaping them. Most importantly, the court required the Commission to do so before releasing a final order that changes those rules in the current proceeding.

We file this *ex parte* notice today, pursuant to Section 1.1206(b) of the Commission’s rules. If you have any questions regarding this submission, please do not hesitate to contact me.

Respectfully submitted,

/s/ Matthew F. Wood

Matt Wood
Policy Director
Free Press
mwood@freepress.net